



Charles M. Lizza

Phone: (973) 286-6715

Fax: (973) 286-6815

clizza@saul.com

www.saul.com

June 5, 2024

VIA ECF

The Honorable Madeline Cox Arleo, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *Axsome Malta Ltd., et al. v. Alkem Laboratories Ltd., et al.*
Civil Action No. 23-20354 (MCA)(LDW) (consolidated)

Dear Judge Arleo:

This firm, together with Quinn Emanuel, represents Plaintiffs Axsome Malta Ltd. and Axsome Therapeutics, Inc. (together, "Axsome") in the above-captioned matter.

We are pleased to inform the Court that Axsome and Defendant Unichem Laboratories Ltd. ("Unichem") have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Stipulation and Order of Dismissal, which, subject to Your Honor's approval, would dismiss this case as between Axsome and Unichem only. This case will continue with respect to the remaining defendants. If the enclosed Stipulation and Order of Dismissal meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Hon. Leda D. Wettre, U.S.M.J. (via ECF)
All counsel of record (via email)

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102-5426
(973) 286-6700
clizza@saul.com

Attorneys for Plaintiffs
Axsome Malta Ltd. and
Axsome Therapeutics, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**AXSOME MALTA LTD. and AXSOME
THERAPEUTICS, INC.,**

Plaintiffs,

v.

**ALKEM LABORATORIES LTD.,
AUROBINDO PHARMA USA, INC.,
AUROBINDO PHARMA LIMITED,
HETERO USA INC., HETERO LABS
LIMITED UNIT-V, HETERO LABS LTD.
HIKMA PHARMACEUTICALS USA.,
SANDOZ INC., and UNICHEM
LABORATORIES LTD.,**

Defendants.

**Civil Action No. 23-20354 (MCA)(LDW)
Civil Action No. 23-23255 (MCA)(LDW)
Civil Action No. 24-196 (MCA)(LDW)
Civil Action No. 24-309 (MCA)(LDW)
Civil Action No. 24-860 (MCA)(LDW)
Civil Action No. 24-3999 (MCA)(LDW)
Civil Action No. 24-4002 (MCA)(LDW)
Civil Action No. 24-4608 (MCA)(LDW)
(Consolidated)**

(Filed Electronically)

STIPULATION AND ORDER OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and by agreement between Plaintiffs Axsome Malta Ltd. and Axsome Therapeutics, Inc. (collectively, "Axsome") and Defendant Unichem Laboratories Ltd. ("Unichem") (together with Axsome, the "Parties"), the Parties stipulate and agree that all claims, counterclaims, and affirmative defenses asserted by the

Parties against each other in the above-captioned action are hereby dismissed without prejudice, and without costs or attorneys' fees to the Parties.

The dismissal of this matter with respect to Unichem shall not result in the dismissal of any claims, defenses, and/or counterclaims with respect to any other defendant.

Axsome and Unichem stipulate that the U.S. District Court for the District of New Jersey retains jurisdiction to enforce and resolve any disputes relating to the subject matter of the action as between Axsome and Unichem.

SO STIPULATED on this 5th day of June, 2024:

By: s/ Charles M. Lizza

Charles M. Lizza
William C. Baton
Sarah A. Sullivan
Alexander L. Callo
SAUL EWING LLP
One Riverfront Plaza, Suite 1520
Newark, NJ 07102-5426
(973) 286-6700
clizza@saul.com

*Attorneys for Plaintiffs
Axsome Malta Ltd. and
Axsome Therapeutics, Inc.*

By: s/ R. Touhey Myer

R. Touhey Myer
NJ Bar ID 028912009
KRATZ & BARRY LLP
800 N. West Street
Wilmington, DE 19801
(302) 527-9378
tmyer@kratzandbarry.com

*Attorney for Defendant
Unichem Laboratories Ltd.*

SO ORDERED:

This _____ day of _____, 2024

Hon. Madeline Cox Arleo, U.S.D.J.